

Item # _____

Moved by: _____

Prepared by: Kimbra Toney-Bernard

Seconded by: _____

Approved by: _____
County Attorney

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, REQUESTING THE SHELBY COUNTY DELEGATION TO SUPPORT, AND MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY TO ENACT, LEGISLATION AMENDING TENNESSEE CODE ANNOTATED, TITLE 16, CHAPTER 15, SECTION 50, RELATIVE TO DOMESTIC VIOLENCE. SPONSORED BY COMMISSIONER MIKE CARPENTER.

WHEREAS, In June 2009 the Tennessee General Assembly passed legislation designating Division X of the Shelby County General Sessions Criminal Court as the Domestic Violence Court; and

WHEREAS, The legislation gave exclusive jurisdiction over all domestic matters to Division X of the General Session Criminal Court; and

WHEREAS, In the past, T.C.A. 40-1-111 designated the duties of Judicial Commissioners, which included the authority to hear orders of protection; and

WHEREAS, Since the inception of the Judicial Commissioner Program, there have been discussions regarding the legalities surrounding the issue of Judicial Commissioners hearing Orders of Protection ; and

WHEREAS, The “exclusive” statutory language of Public Chapter No. 391, T.C.A. 16-15-5014, eliminates the judge’s authority to delegate the duty of hearing Orders of Protection; and

WHEREAS, The attached legislation would allow the judge of Division X of the General Sessions Criminal Court to designate and confer upon a referee the authorities vested in a judge in the course of business of the Domestic Violence Court; and

WHEREAS, This measure would minimize the immediate impact on the courts, as the designation of the Domestic Violence Court has created an even heavier caseload than originally contemplated and creates an undue hardship on the public; and

WHEREAS, The designation of a referee would assist the judge of Division X in managing the intense caseload volume; and

WHEREAS, the Board of County Commissioners of Shelby County, Tennessee, believes that it is appropriate that a resolution be passed requesting the Tennessee General Assembly to amend Tennessee Code Annotated, Title 61, Chapter 15, Section 50 relative to domestic violence.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that this Board, after careful consideration hereby requests the Shelby County Legislative Delegation to support, and members of the Tennessee General Assembly to enact, legislation amending Tennessee Code Annotated, Title 16, Chapter 15, Section 50, a copy of which is attached hereto and incorporated herein by reference, amending Tennessee Code Annotated, Title 61, Chapter 15, Section 50, relative to domestic violence.

BE IT FURTHER RESOLVED, that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, the public welfare requiring the same.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____

SUMMARY SHEET

I. Description of Item

Resolution requesting members of the Tennessee General Assembly to support legislation amending Tennessee Code Annotated, Title 67, Chapter 5, relative to tax liens and sale of certain properties.

In June 2009 the Tennessee General Assembly passed legislation designating Division X of the General Sessions Criminal Court as the Domestic Violence Court. The legislation gave exclusive jurisdiction over all domestic matters to Division X of the General Session Criminal Court. In the past, T.C.A. 40-1-111 designated the duties of Judicial Commissioners, which included the authority to hear orders of protection. The “exclusive” statutory language of Public Chapter No. 391, T.C.A. 16-15-5014, eliminates the judge’s authority to delegate the duty of hearing Orders of Protection. The attached legislation would allow the judge of Division X of the General Sessions Criminal Court to designate and confer upon a referee the authorities vested in a judge in the course of business of the Domestic Violence Court. This measure would minimize the immediate impact on the courts, as the designation of the Domestic Violence Court has created an even heavier caseload than originally contemplated and creates an undue hardship on the public. The designation of a referee would assist the judge of Division X in managing the intense caseload volume.

II. Source and Amount of Funding

Not applicable.

III. Contract Items

Not applicable.

IV. Additional Information Relevant to Approval of this Item

Text of proposed legislation is attached.